

EXHIBIT G

Mark Capers

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

SOLOMAN OLUDAMISI AJIBADE and)
ADENIKE HANNAH AJIBADE, as)
natural parents of Mathew)
Ajibade, and)

THE ESTATE OF MATHEW AJIBADE)
and CHRIS OLADAPO, its)
Executor,)

Plaintiffs,) CIVIL ACTION NO.

vs.) 4:16-CV-82-WTM-GRS

JOHN WILCHER, in his official)
capacity as Chatham County)
Sheriff, et al.,)

Defendants.)

VIDEOTAPED DEPOSITION OF

MARK CAPERS

September 13, 2016

3:49 p.m.

218 West State Street

Savannah, Georgia

Mynjuan P. Jones, RPR, CCR-B-1422

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Also Present:
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1 were in the back of the group, right?

2 A. Yes, I did.

3 Q. Now, you heard Lieutenant Johnson say put
4 him in that chair, right?

5 A. No, I didn't.

6 Q. Well, you heard it on this video, right?

7 A. On the video, yes.

8 Q. But you're saying you didn't hear that at
9 the time?

10 A. No.

11 Q. Do you know where the restraint chair is
12 right now at this moment on the video?

13 A. No.

14 Q. Let's go ahead and run it till where they
15 disappear on the screen. And I want you to pay
16 attention to that second door of that detox cell,
17 Mr. Capers. Okay?

18 A. Okay.

19 Q. Go ahead. Let's stop it. That's you up
20 front, isn't it, right there?

21 A. Yes.

22 Q. Okay. Now, go ahead. Stop. What's that
23 being wheeled out of that second detox cell,
24 Mr. Capers?

25 A. The restraint chair.

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1 Q. So the restraint chair is in an open detox
2 cell that you walked this man right past, correct?

3 A. No, I didn't walk him past.

4 Q. That group of officers carrying
5 Mr. Ajibade walked past an open detox cell that has
6 the restraint chair in it, correct?

7 A. Yes.

8 Q. And took him back to the holding -- the
9 furthest holding cell in the female -- the furthest
10 cell in the female booking cell area, correct?

11 A. Correct.

12 Q. And do you know that there are cameras
13 that you can see inside the detox cell?

14 A. Yes.

15 Q. And you know there's no cameras in the
16 female booking cell, Number 1, where he was taken,
17 was there?

18 A. No.

19 Q. Do you know when that chair was placed in
20 that detox cell?

21 A. No.

22 Q. Why don't we go ahead and show the -- back
23 it up to where -- well, go ahead and let's finish it
24 out and play where the -- okay. The restraint chair,
25 that's the restraint chair that ultimately goes back

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1 A. No, that's not me.

2 Q. Thank you for correcting me. I don't mean
3 necessarily you. The officers have him on the
4 ground?

5 A. Yes.

6 Q. Okay. And you see his underwear is pulled
7 down to his knees? Do you see that?

8 A. Yes.

9 Q. Now, I want you to pay attention to right
10 up here in the top right corner in that area where
11 those doors are leading into the sergeant's booking
12 station. Okay? So right in through here
13 (indicating), up in this area (indicating). Go
14 ahead.

15 Stop it. Did you hear Lieutenant Johnson
16 yelling for the restraint chair?

17 A. Yes.

18 Q. Okay. Go ahead. No, no. Back it up.
19 Back up. There you go. Stop it. You see what's
20 just being wheeled in in that area?

21 A. Yes.

22 Q. Is that the restraint chair?

23 A. Yes.

24 Q. Go ahead.

25 MR. CASH: 11:38:38.

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1 Q. (By Mr. Rafferty) Stop it. Where was
2 that just wheeled into?

3 A. Detox -- the first detox cell.

4 Q. The one we just saw it being pulled out of
5 a couple minutes later, right?

6 A. Yes.

7 Q. So Lieutenant Johnson yells for the
8 restraint chair. The restraint chair comes. It goes
9 into the detox cell. Y'all have Mr. Ajibade
10 handcuffed and leg irons. You carry him while he's
11 facedown, correct?

12 MR. PERKINS: Object to form.

13 Q. (By Mr. Rafferty) You can answer.

14 A. Yes.

15 Q. Okay. You walk past, and you remember we
16 heard Lieutenant Johnson say put him in the chair?

17 A. Yes.

18 Q. Okay. Yells put him in the chair and then
19 you point towards the female booking area, right?

20 A. Yes.

21 Q. And then that's ultimately where he's
22 taken, correct?

23 A. Correct.

24 Q. And you can't explain to me why he wasn't
25 put in the restraint chair in the detox cell where

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1 Q. Tell me what you next remember about the
2 interaction with Mr. Ajibade in the cell, if
3 anything.

4 A. He was taken in the cell. Did I go first?
5 I don't recall. Did I go in afterwards? I don't
6 recall.

7 Q. At some point you went into the cell?

8 A. Yeah. Yes.

9 Q. And tell me what you remember about what
10 happened when you went into the cell.

11 A. They put him in a restraint chair. They
12 sat him in a restraint chair and he was kicking. At
13 one point Richardson or somebody asked for Flexi
14 Cuffs. We bring the Flexi Cuffs in.

15 I grabbed the Flexi Cuffs and I secured --
16 because I was down by his feet. I secured the Flexi
17 Cuffs, the chain on the leg irons to the designated
18 area on the restraint chair.

19 Q. So his legs would have been attached to
20 the restraint chair, correct?

21 A. Yes.

22 Q. Basically his leg irons are attached to
23 the restraint chair, right?

24 A. The chain.

25 Q. The chain in it, right?

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1 A. Yes.

2 Q. So he's got limited mobility, correct?

3 A. Yes.

4 Q. So he can't kick, correct?

5 A. Yes.

6 Q. Okay. And every time that he was inside
7 that cell he had the leg irons on even before you got
8 into the cell and the hands cuffed behind his back,
9 correct?

10 A. Yes.

11 Q. Now, did you set him down in the chair?

12 A. No.

13 Q. Okay. So if Corporal Kenny testified that
14 you came in the cell and aggressively pushed him down
15 into the chair, is that -- do you remember that or is
16 that accurate or inaccurate?

17 A. Inaccurate.

18 Q. Did you ever do anything to push him down
19 into the chair?

20 A. No.

21 Q. Did you ever place your hands on him
22 anywhere other than down by the ankles to tie the
23 legs together?

24 A. No.

25 Q. Did he ever kick you while he was in the